

STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
RALEIGH

HARRY McMULLAN
ATTORNEY GENERAL

25 May 1954

*Segregation
Personal file*

RECEIVED

MAY 25 1954

GOVERNOR'S
OFFICE

Honorable William B. Umstead
Governor of North Carolina
Raleigh, North Carolina

Dear Governor Umstead:

In the memorandum which I sent you yesterday mentioning some of the questions which may arise in connection with the decision of the United States Supreme Court in the segregation cases, I mentioned the possible questions which might arise of civil or criminal penalties under the Federal Civil Rights Act. I requested Mr. Cogburn of my staff to make a study of this question and I am enclosing you copy of the memorandum which he furnished me. I am inclined to believe that the conclusions which he states, beginning on page 9, are correct but, as in all other cases involving civil rights in our Supreme Court, the results are unpredictable. Some of the judges now composing this august tribunal have voted sustaining practically every civil right which has been asserted in cases reaching that court. With the trend of decisions now apparent, it is difficult if not impossible to say what they may decide in any case of this character.

You will observe that Mr. Cogburn reaches the conclusion that until the Supreme Court has finally issued the decrees in the cases of BROWN v. BOARD OF EDUCATION and other cases, after the reargument for which the cases have been docketed, he does not think that the so-called Civil Rights provisions could be enforced by civil or criminal sanctions.

I thought that this was a very interesting angle to our problem.

With highest regards, I am

Sincerely yours,

Harry McMullan
Attorney General

HMCM:la
Enclosure

Cc: Honorable M. V. Barnhill
Chief Justice of the Supreme Court
Raleigh, North Carolina